SEVENTY-SEVENTH DAY.

Senate Chamber, Austin, Texas, April 13, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Harrison, Agnew, Atlee, Lawhon, Presler, Beall, Boren. Rogers. Sherrill, Bowser. Colquitt, Simpson, Darwin, Smith, Dean, Stafford, Dibrell, Steele, Tips, Gage, Goss. Whitaker. Greer,

Absent, excused.

Bailey. McKinney, McComb, Woods.

Absent, not excused.

Dickson, Lewis.

Shelburne.

Prayer by Chaplain. Dr. Smoot. Pending reading of the Journal of vesterday

On motion of Senator Steele, the same was suspended.

On motion of Senator Sherrill, Senator Woods was excused for nonattendance on today on account of important business.

On motion of Senator Beall, Senator Bailey was excused for today, on account of important business.

PETITIONS AND MEMORIALS.

Senator Stafford sent up following telegram and had same read and referred to Judiciary Committee No. 2:

"Galveston, Texas, April 12.

"Senator R. N. Stafford, Austin:

"Defeat if possible or postpone action on Senate building and loan association bill, set for tomorrow.

"W. H. Ladd, President Galveston Chamber Commerce, Leon Blum, Julius Runge, H. A. Landes."

COMMITTEE REPORTS.

Committee Room, Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 28, a bill to be entitled "An act to adopt and establish a Penal and dollars per mile.

Code and a Code of Criminal Procedure for the State of Texas,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the accompanying substitute do pass in lieu thereof, and that only the committee report be printed, and that in the Journal only.

AGNEW, Chairman.

Committee Room, Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 263, a bill to be entitled "An act to authorize the Fort Worth and Denver City Railway Company to fund its outstanding mortgage debt and to substitute new bonds therefor, and to secure the same by a mortgage upon its corporate property and franchises,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recom-

mendation that it do pass.

COLQUITT, Acting Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

The undersigned members of your Committee on Internal Improvements, respectfully submit the following minority report on

Senate bill No. 263, a bill to be entitled "An act to authorize the Fort Worth and Denver City Railway Company to fund its outstanding mortgage debt, and to substitute new bonds therefor, and to secure the same by a mortgage upon its corporate property and franchises,"

And recommend that it do not pass for

the following reasons:

1. The act of the Twenty-third Legislature, prohibiting the issuance of bonds of any railroad company over and above the reasonable value of the property of such railroad company, except where in case of emergency the public interest or the preservation of the property demands a greater issue as provided in said act. This bill is in direct violation of the said section of said act, in that the total value of the properties of the Fort Worth and Denver City Railway Company as found by the Railroad Commission, only approximate thirteen thousand dollars per mile, while this bill seeks to allow said company to issue bonds to the amount of eighteen thous-

The fact that prior to the enactment of this law, said company had issued bonds to the amount of eighteen thousand dollars to the mile, and that said bonded indebtedness, if refunded and bonds allowed to be issued, can be floated at a lower rate of interest. is in our opinion but a specious pretext for practically exempting this road from the operation of this provision of the act of 1893. In our opinion it would be to the best interest of the people patronizing this road to have it go through the process of liquidation afforded in the courts, sold out by judicial sale, and the proceeds applied to the payment of the bondholders, and the road reorganized and operated in the hands of its pur-chasers, relieved of the encumbrances of its old stock and bonds.

2. It is useless for the Legislature at one session to enact a law regulating the issuance of bonds, if at succeeding sessions one road after another is to be excepted from its operation, as would probably be the case if this precedent be established.

> PRESLER, \mathbf{AGNEW} . DARWIN COLQUITT, STEELE.

Committee Room, Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Public Lands, to whom was referred

Senate bill No. 280, a bill to be entitled "An act to amend chapter 111 of the general laws of the Eighteenth Legislature, approved April 14, 1883, and entitled 'An act authorizing the refunding from the State treasury from deposits made special funds to parties who may have paid the same in error and who may have received no consideration therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the same be considered with House bill No. 358, and be not printed.

GOSS, Chairman.

Committee Room, Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Commiteee on Public Lands, to whom was referred

Senate bill No. 281, a bill to be entitled "An act to provide for the sale of all the unappropriated public lands of the State of Texas, including all the public lands

by chapter 52 of the general laws of the State of Texas, entitled 'An act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and investment of the proceeds of such sale, approved July 14, A. D. 1879, and all laws amendatory thereof, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Chairman.

Committee Room, Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 294, a bill to be entitled "An act to amend articles 3227, 3238, 3239, and repeal article 3239b, title 63 of the Revised Civil Statutes of the State of Texas as amended by an act approved March 29, 1893,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

Committee Room. Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 558, a bill to be entitled "An act to amend sections 26 and 27, chapter 97, page 149, of an act approved April 20, 1891, entitled 'An act to create a more efficient road system, authorizing the appointment of road superintendents, defining their duties and powers, and further defining the powers and duties of commissioners courts, and providing who shall be subject to road duty."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room, Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 295, a bill to be entitled "An act to amend sections 1, 2, 3, 4, and 5 of an act entitled 'An act to regulate the sale of spirituous, vinous or malt heretofore set aside and reserved for sale liquors or medicated bitters, to fix a tax upon all persons selling such liquors,' etc.,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

Committee Room, Austin, Texas, April 13, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 296, being a bill to be entitled "An act to amend an act of the Twenty-third Legislature, passed April 26, 1893, entitled 'An act to amend article 1139 of title 28, chapter 1, of the Revised Civil Statutes of Texas, and to add thereto articles 1139a, 1139b and 1139e, relating to the disqualification of county judges,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

BILLS AND RESOLUTIONS.

By Senator Sherrill:

A bill to be entitled "An act to amend section 8 of the general school law, approved May 20, A. D. 1893, entitled 'An act to provide for a more efficient system of public free schools,' etc., being chapter 122 of the general laws enacted by the Twenty-third Legislature, and to provide for the recovery of any of the public school lands or any part of the permanent public school funds of any county of this State that may have been illegally invested, used, or disposed of."

Read first time and referred to Committee on Education.

Call concluded.

HOUSE MESSAGE.

House of Representatives, Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed

the following bills, to-wit:

Senate bill No. 191, "An act to amend sections 38, 103, 106 and 138 of an act entitled 'An act to incorporate the city of Fort Worth, and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88 and 102 of said act, as amended by the Twenty-second Legislature in 1891, and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 104b, 106a and 106b."

. With House amendments.

Passed by a two-thirds vote; ayes 90, nays none.

Senate bill No. 258, a bill to be entitled "An act to amend sections 2, 20, 24, 29, 43, 138, 144, 148, 156 and 159 of an act entitled 'An act to incorporate the city of Dallas and to grant it a new charter.' approved March 13, 1889, and to add thereto sections 154a, 154b, 154c, 158a and 159a, and to repeal section 185 of said act, and also to amend section 158 of an act entitled 'An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State March 9, 1891, and also sections 120 and 161 of an act entitled an act to amend sections 6, 8, 9, 10, 14, 15, 61 and 185 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State on March 9, 1891, and to repeal all conflicting laws; and to conform same to the objections of the Governor in his -, 1893, passed veto message ofby the Twenty-third Legislature, and certified to by the Secretary of State April 12, 1893, and to repeal all conflicting laws."

With House amendments.

Passed by a two-thirds vote—ayes 89,

nays, none.

Senate bill No. 275, "An act to incorporate the city of Sherman, in Grayson county, Texas, and fix the boundaries thereof, and to provide for its government and the management of its affairs."

Passed by two-thirds vote; ayes 92;

noes none.

Senate bill No. 266, "An act to amend section 1, chapter 29, of an act passed at the regular session of the Twenty-third Legislature, extending the time for holding the district court of Kerr county."

Passed by two-thirds vote; aves 92,

noes none.

Respectfully,

E. W. SMITH, JR., Acting Chief Clerk.

The Chair laid before the Senate, on its third reading,

Senate bill No. 79, a bill entitled "An act to to amend section 5 of chapter 15 of the acts of the called session of the Twenty-second Legislature of the State of Texas, defining the appellate jurisdiction of the Courts of Civil Appeals."

On motion of Senator Shelburne, regular order of business was suspended to

take up

Senate bill No. 268, a bill entitled "An act to authorize the sale of railroad and other property and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines of railroad extending into the city of Houston and owning tracks which connect or which may hereafter be connected with the tracks of said Texas Transportation Company, and conferring necessary power upon such companies."

Senator Shelburne moved to substitute for this bill

House bill No. 682, a bill entitled "An act to authorize the sale of the rail-road and other property, and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines of railroad extending into the city of Houston, and owning tracks which connect or which may be hereafter connected with the tracks of said Texas Transportation Company, and conferring necessary power upon such companies."

Substituted.

Bill read second time and passed to

third reading.

On motion of Senator Shelburne, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas-17. Agnew, Gage, Atlee, Goss, Beall. Greer. Boren. Lawhon, Bowser, Rogers. Colquitt, Shelburne, Darwin, Simpson, Dean. Tips.

Dibrell,

Harrison, Stafford. Steele.

Absent, excused.

Bailey, McKinney, McComb, Woods.

Absent, not excused.

Dickson, Sherrill, Lewis, Presler.
Whitaker,

Bill read third time, and passed by the following vote:

Yeas-16.

Agnew. Greer, Atlee, Lawhon, Beall. Rogers, Shelburne, Boren. Colquitt, Sherrill, Dean, Simpson, Dibrell. Smith, Goss, Tips.

Nays—5.

Darwin, Stafford, Gage, Steele. Harrison,

Absent, excused.

Bailey, McKinney, Woods.

Absent, not excused.

Bowser, Presler, Dickson, Whitaker. Lewis,

For the purpose of retaining a quorum to transact business, Senator Colquitt moved a call of the Senate, which was duly seconded and ordered, the following answering to their names:

Harrison, Atlee, Lawhon, Beall. Rogers, Shelburne, Boren. Colquitt, Sherrill, Simpson, Darwin, Dean. Smith. Dibrell, Stafford, Gage, Steele, Tips. Goss. Greer,

Absent, excused.

Bailey, McKinney, Woods.

Absent, not excused.

Bowser, Presler, Dickson, Whitaker. Lewis.

Senator Steele moved to grant the request of the House for a free conference committee to consider the differences between the two houses on

House bill No. 271, a bill entitled "An act to provide for the levy and collection of an annual ad valorem State school tax of 20 cents on the \$100 valuation. for the maintenance of the public free schools,"

Granted.

On motion of Senator Colquitt, regular order of business was suspended to take up

Senate bill No. 186, a bill entitled "An act to amend article 2519 of chapter 6, Revised Civil Statutes of the State of Texas, so as to compel guardians to renew their guardian bonds every two years, and provide for giving notice in such cases."

Bill read second time, with committee amendments.

Committee amendments adopted.

Bill ordered engrossed.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third read-

ing and final passage, by the following vote:

Yeas—18.

Harrison, Agnew, Atlee, Rogers, Beall, Shelburne, Boren, Sherrill, Simpson, Colquitt, Stafford. Dean, Dibrell, Steele. Tips, Gage. Whitaker. Greer,

Nays-4.

Darwin, Goss,

Lawhon, Smith.

Absent, excused.

Bailey, McKinney, McComb, Woods.

Absent, not excused.

Bowser. Dickson,

Lewis. Presler.

Bill read third time. By Senator Goss:

Amend by striking out all of the first committee amendment after the word "law" in line 28.

By Senator Dibrell:

-Substitute: Strike out in the first committee amendment, page 2, all after the word "law" in line 28, and insert in lieu thereof the following: "And for any neglect to comply with the provisions of this act, such county judge, upon conviction, shall be fined in any sum of not less than ten nor more than one hundred dollars."

Senator Goss accepted the substitute and withdrew his amendment.

By Senator Goss:

Amend the amendment by striking out "one hundred dollars," and inserting "five hundred dollars."

Lost.

The amendment (Senator Dibrell's) was then lost.

The bill then passed by the following vote:

Yeas-12.

Shelburne, Agnew, Boren, Sherrill, Colquitt. Simpson, Darwin, Smith. Stafford, Harrison, Rogers. Steele,

Nays-10.

Goss, Atlee, Beall, Greer. Bowser, Lawhon, Dean, Presler, Gage, Tips.

Absent, excused.

Bailey, McKinney. McComb, Woods.

Absent, not excused.

Dibrell, Dickson, Lewis. Whitaker.

On motion of Senator Lawhon, regular order of business was suspended to take up

House bill No. 629, being a bill to be entitled "An act to amend chapter 75 of the acts of the Twenty-first Legislature of Texas, approved April 6, 1889, to amend an act of the Twenty-second Legislature, chapter 30, approved April 6, 1891, entitled 'An act to require butchers and slaughterers of cattle to give bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling cattle,' as amended by the Twenty-third Legislature."

The bill was read second time, with committee amendments.

On motion of Senator Dibrell, the bill went to the table subject to call.

Senator Harrison called up

Senate bill No. 194, a bill entitled "An act to define building and loan associations and their powers, and to prescribe the conditions on which they may do business in this State, and to define and fix the rights and liabilities of their stockholders, and to repeal all laws in conflict with the provisions of this bill,

And moved to make same special order for Tuesday next after call.

Senator Tips moved as a substitute to recommit the bill to Judiciary Committee No. 2.

Recommitted.

The Chair announced the following free conference committee on part of the Senate to consider the differences between the two houses on

House bill No 47, entitled "An act to protect persons, associations, and unions of working men, incorporated or unincorated, in their labels, trade marks, designs, devices, imprints, and forms of advertising and names, and to prescribe penalties for violation of the same, and to repeal all laws or parts of laws in conflict with this act,"
Senators Bowser, Simpson, Atlee,

Dibrell and Rogers.

On motion of Senator Steele,

House bill No. 63, being a bill to be entitled "An act to amend an act passed by the Twenty-third Legislature of Texas, approved March 29, 1893, entitled 'An act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article $426\frac{1}{2}$, and to repeal article 430, chapter 5, title 13, of the Penal Code of the Revised Civil Statutes for the protection of fish and game, approved March 15, 1881,

Was recommitted to Judiciary Committee No. 2.

By unanimous consent, Senator Atlee called up

Senate bill No. 290, a bill to be entitled "An act to redistrict the State of Texas into judicial districts and to fix the times of holding courts therein, and to provide for the election of district judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1896, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Bill read second time.

Senator Atlee offered the following amendments and asked that they be printed in the Journal:

So ordered.

Substitute for sections 20 and 21 of the

"Section 20. The county of Tarrant shall constitute the Twentieth and Twenty-first judicial districts; and the district courts shall be begun and holden therein as follows:

"In the Twentieth Judicial District, on the second Mondays in February, May and October, and may continue in session until the business is disposed of.

"In the Twenty-first Judicial District, on the second Mondays in January, April, and September, and may continue in session until the business is disposed of."

Amend bill: Strike out section 21e of the bill.

Amend section 17: Strike out all thereof down to and including "county," in line 1, on page 11, and insert in lieu the following:

"Section 17. The Seventeenth Judicial District shall be composed of the counties of Rockwall and Dallas.

Amend section 18: Strike out all of lines 14, 15 and 16, and insert in lieu the following:

"Section 18. Dallas county shall constitute the Eighteenth Judicial District."

Amend bill: Strike out section 18c.

Substitute for sections 8 and 8a of the bill:

"Section 8. The county of Harris shall constitute the Seventh and Eighth Judicial Districts, and the terms of the district courts shall be begun and holden therein as follows:

"In the Seventh Judicial District, on Agnew, the first Mondays in October, December, Colquitt, February, April and June, and may continue in session until the next succeed- Greer,

ing term of said court, unless the busi-

ness be sooner disposed of.

"In the Eighth Judicial District, on the first Mondays in November, January. March, May and July, and may continue in session until the next succeeding term of said court, unless the business be sooner disposed of."

Amend section 30:

(1) Strike out "and" in line 27, before "Zapata."

(2) Insert after "Zapata" the following: "and the unorganized county of Encinal, which is attached to Webb county for judicial purposes."

Amend section 48a:

(1) Strike out all after word "that" in line 27, down to and including word "and" in line 31.

(2) Strike out "then" in line 31.

(3) Strike out "thereof" in line 31 and insert in lieu, "of the district courts of Bexar county in the Thirty-seventh and Forty-fifth judicial districts, as constituted up to the time this act takes effect."

(4) Strike out all after word "county"

in line 2, page 33.

Amend section 48b: Strike out all after word "law" in line 14, on page 33.

Substitute for section 49:

"Section 49. At the next general State election, in November, 1896, except where otherwise provided in this act, a district judge for each judicial district, as constituted by this act, shall be elected, and also a judge for each criminal court created by this act; and thereafter the district judges for all the judicial districts of the State and the judges for the criminal courts, created and established, shall be elected in the manner and for the terms provided by law."

Amend section 50:

(1) Strike out lines 1. 2 and 3 and in-

"Section 50. At the next general State election, in November, 1896, and thereafter according to law, a district attorney shall be elected in each of the

following districts, to-wit.

(2) Add to section 50 the following: "A district attorney shall be elected for each criminal court created and established by law at the next general election, who shall hold for the term of two years, and until his successor is elected and qualified.'

Senator Colquitt moved to adjourn to 10 a.m., Monday.

Lost by the following vote:

Yeas-8.

Dean,

Shelburne, Simpson, Stafford, Steele.

Nays-13.

Harrison, Atlee, Beall. Lawhon. Boren. Rogers. Sherrill, Bowser. Darwin, Smith. Dibrell, Tips.

Gage,

Absent. excused.

Bailey, McComb. McKinney, Woods.

Absent, not excused.

Dickson. Goss, Lewis.

Presler, Whitaker.

Senator Dean moved to suspend the call of the Senate.

Suspended.

On motion of Senator Simpson, the Senate adjourned to 10 a.m. Monday.

SEVENTY-EIGHTH DAY.

Senate Chamber, Austin, Texas, April 15, 1895,

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Harrison, Agnew, Beall. Lawhon, Boren, Lewis, Bowser, Rogers. Sherrill. Colquitt, Darwin, Simpson, Smith, Dean. Dibrell. Stafford, Dickson, Steele, Gage, Tips. Woods. Goss, Greer,

Absent, excused.

McComb.

McKinney.

Absent, not excused.

Atlee, Bailey. Presler, Shelburne, Whitaker.

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Steele, the same was suspended.

On motion of Senator Woods, Senator McKinney was excused for non-attend-

COMMITTEE REPORTS.

Committee Room. Austin, Texas, April 15, 1895.

Hon. Geo. T. Jester, President of the

Your Judiciary Committee No. 2, to whom was referred

House bill No. 579, a bill entitled "An act to restore and confer upon the county court of Camp county the civil and criminal juris-diction heretofore belonging to said court under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

AGNEW, Chairman.

BILLS AND RESOLUTIONS.

By Senator Agnew:

A bill to be entitled "An act to amend the act creating the Sixth Judicial District and fixing the times for holding the terms of court therein, and to repeal all laws in conflict with this act.'

Read first time and referred to Judiciary Committee No. 2.

By Senator Goss:

A bill to be entitled "An act to repeal section 20, and to amend sections 17 and 24 of Senate bill No. 95, entitled "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public schools and the several asylums, and the lease of such lands and of the public lands of the State, and the pat-enting of any part of said lands for church, cemetery, or school house sites, and to prevent the free use and occupancy and unlawful enclosure or unlawful appropriation of such lands, and to prescribe and to provide adequate penalties therefor,' passed at the present ses-

Read and referred to Committee on Public Lands.

By Senator Lewis:

A bill to be entitled "An act to amend an act incorporating the city of San Antonio, approved August 13, 1870, and all acts amendatory thereof to add certain sections thereto, and to repeal certain sections thereof.

Read first time and referred to Committee on Towns and City Corporations.

By Senator Lewis:

A bill to be entitled "An act to amend ance indefinitely on account of sickness. article 1380 of an act entitled an act to